

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

tmd3574/mrm
December 11, 2014
9:30 a.m.

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IN RE:

Case No. 814-74304-LAS

GEETA SHUKLA

Hon. LOUIS A. SCARCELLA

NOTICE OF MOTION

Debtor.

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PLEASE TAKE NOTICE, that upon the within application, Marianne DeRosa, Chapter 13 Trustee will move this court before the Hon. Louis A. Scarcella, U.S. Bankruptcy Judge, at the United States Bankruptcy Court, at 290 Federal Plaza, Room 760, Central Islip, New York, 11722, on the 11th day of December, 2014 at 9:30 AM or as soon thereafter as counsel can be heard, for an order pursuant to 11 U.S.C. 1307(c)(6) dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Responsive papers shall be filed with the bankruptcy court and served upon the Chapter 13 Trustee, Marianne DeRosa, Esq., no later than seven (7) business days prior to the hearing date set forth above. Any responsive papers shall be in conformity with the Federal Rules of Civil Procedure and indicate the entity submitting the response, the nature of the response and the basis of the response.

Date: Syosset, New York
November 19, 2014

/s/ Marianne DeRosa
MARIANNE DeROSA, TRUSTEE
115 EILEEN WAY; SUITE 105
SYOSSET, NY 11791
(516) 622-1340

UNITED STATES BANKRUPTCY COURT
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IN RE:

Case No: 814-74304-LAS

GEETA SHUKLA

Hon. LOUIS A. SCARCELLA

APPLICATION

Debtor.

=====X

TO THE HONORABLE LOUIS A. SCARCELLA, U.S. BANKRUPTCY JUDGE:

MARIANNE DEROSA, Chapter 13 Trustee in the above-captioned estate, respectfully represents the following:

1. The Debtor filed a petition under the provisions of 11 U.S.C. Chapter 13 on September 18, 2014, and, thereafter, MARIANNE DEROSA was duly appointed and qualified as Trustee.

2. As of the date of this motion, the Debtor has failed to:

a. commence making Chapter 13 Plan payments to the Trustee as required by 11 U.S.C. § 1326(a)(1); and

b. provide the Trustee with a copy of a federal income tax return or transcript for the most recent year, 7 days before first meeting of creditors pursuant to 11 U.S.C. §521(e)(2)(A)(i); and

c. provide the Trustee with all disclosure documentation as required by E.D.N.Y LBR 2003-1;

3. The Debtor's failure to provide these items impedes the Trustee's ability to administer this case and, therefore, is a default that is prejudicial to the rights of the creditors of the Debtor pursuant to 11 U.S.C. §1307(c)(1).

4. Each of the foregoing constitutes cause to dismiss this Chapter 13 case within meaning of 11 U.S.C. §1307(c).

WHEREFORE, the Chapter 13 Trustee respectfully requests that this Court enter an Order dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Dated: Syosset, New York
November 19, 2014

s/Marianne DeRosa
Marianne DeRosa
Chapter 13 Trustee

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:

Case No: 814-74304-LAS

GEETA SHUKLA

CERTIFICATE OF SERVICE
BY MAIL

Debtors.

-----X

This is to certify that I, Matthew R. Matz, have this day served a true, accurate and correct copy of the within Notice of Motion and Application by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

GEETA SHUKLA
44 SUNSET ROAD SOUTH
ALBERTSON, NY 11507

EHSANUL HABIB
LAW OFFICE OF EHSANUL HABIB
118-21 QUEENS BLVD.
SUITE 603
FOREST HILLS, NY 11375

BMW FINANCIAL SERVICES NA, LLC
P.O. BOX 201347
ARLINGTON, TX 76006

JOSH RUSSELL
NYS DEPT OF TAX AND FINANCE
250 VETERANS MEMORIAL HWY
HAUPPAUGE, NY 11788

BANK OF AMERICA
SCOTT A SYDELNIK
DAVIDSON FINK LLP
28 E MAIN STREET
SUITE 1700
ROCHESTER, NY 14614

This November 19, 2014

/s/Matthew R. Matz
Matthew R. Matz, Paralegal
Office of the Standing Chapter 13 Trustee
Marianne DeRosa, Esq.
115 Eileen Way; Suite 105
Syosset, NY 11791
(516) 622-1340

CASE NO: 814-74304-LAS
Hon. LOUIS A. SCARCELLA

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:

GEETA SHUKLA

Debtor.

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NOTICE OF MOTION AND APPLICATION TO DISMISS CASE

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MARIANNE DeROSA, TRUSTEE
115 EILEEN WAY; SUITE 105
SYOSSET, NY 11791
(516) 622-1340